

CYNDEE L. PETERSON
Assistant U.S. Attorney
U.S. Attorney's Office
P.O. Box 8329
Missoula, Montana 59807
105 E. Pine, 2nd Floor
Missoula, Montana 59802
Phone: (406) 542-8851
FAX: (406) 542-1476
Email: Cyndee.Peterson@usdoj.gov
ATTORNEY FOR PLAINTIFF
UNITED STATES OF AMERICA

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
MISSOULA DIVISION**

IN THE MATTER OF THE
SEARCH OF:

INFORMATION ASSOCIATED
WITH THE ACCOUNT
IDENTIFIED AS
33.bigblackbbc.33@GMAIL.COM,
THAT IS NOW STORED AT THE
PREMISES CONTROLLED BY
GOOGLE, LLC.

Case No. MJ-22-28-m-KLD

Filed Under Seal

**APPLICATION FOR ORDER COMMANDING GOOGLE, LLC,
NOT TO NOTIFY ANY PERSON OF THE EXISTENCE OF THE
SUMMONS**

The United States requests that the Court order Google, LLC, not
to notify any person (including the subscribers and customers of the

account(s) listed in the warrant) of the existence of the DHS Summons associated with the account referenced in the above captioned issued on today's date until further order of the Court.

Google, LLC, is a provider of an electronic communication service, as defined in 18 U.S.C. § 2510(15), and/or a remote computer service, as defined in 18 U.S.C. § 2711(2). Pursuant to 18 U.S.C. § 2703, the United States obtained a DHS Summons, which requires Google, LLC, to disclose certain records and information to the United States. This Court has authority under 18 U.S.C. § 2705(b) to issue “an order commanding a provider of electronic communications service or remote computing service to whom a warrant, subpoena, or court order is directed, for such period as the court deems appropriate, not to notify any other person of the existence of the warrant, subpoena, or court order.” *Id.*

In this case, such an order would be appropriate because the said Summons relates to an ongoing criminal investigation that is neither public nor known to all of the targets of the investigation, and its disclosure may alert the targets to the ongoing investigation. Accordingly, there is reason to believe that notification of the existence

of the Summons will seriously jeopardize the investigation or unduly delay a trial, including by giving targets an opportunity to flee or continue flight from prosecution, destroy or tamper with evidence, change patterns of behavior, intimidate potential witnesses, or endanger the life or physical safety of an individual. *See* 18 U.S.C. § 2705(b). Some of the evidence in this investigation is stored electronically. If alerted to the existence of the Summons and court order, the subjects under investigation could destroy that evidence, including information saved to their personal computers.

WHEREFORE, the United States respectfully requests that the Court grant the attached Order directing Google, LLC, not to disclose the existence or content of the DHS Summons until this case is unsealed, except that Google, LLC, may disclose the attached DHS Summons to an attorney for Google, LLC, for the purpose of receiving legal advice.

The United States further requests that the Court order that this application and any resulting order be sealed until September 18, 2022, or until further order of the Court. As explained above, these documents discuss an ongoing criminal investigation that is neither

public nor known to all of the targets of the investigation. Accordingly, there is good cause to seal these documents because their premature disclosure may seriously jeopardize that investigation.

Dated March 18, 2022.

/s/ Cyndee L. Peterson
Assistant United States Attorney